

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on January 30, 2007 at 9:00 A.M., in Room 405 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Jerry W. Black (R)  
Sen. Jeff Essmann (R)  
Sen. Kelly Gebhardt (R)  
Sen. Kim Gillan (D)  
Sen. Dan Harrington (D)  
Sen. Christine Kaufmann (D)  
Sen. Sam Kitzenberg (D)  
Sen. Jim Peterson (R)  
Sen. Trudi Schmidt (D)  
Sen. Bob Story Jr. (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Lee Heiman, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: SB 281; SB 231; SB 233; SB 259; SB 215; SB 217; SB 275; SB 61

00:01:41

**EXECUTIVE ACTION ON SB 281**

00:05:39 **Motion:** SEN. STORY moved that SB 281 DO PASS.

00:05:52 **Motion:** SEN. STORY moved that #SB028102,AKJ DO PASS.

**EXHIBIT**(tas20a01)

00:06:17 Lee Heiman, Staff Attorney, Legislative Services  
Division (LSD)

00:06:55 **Vote:** Motion that #SB028102.AKJ DO PASS carried  
unanimously by voice vote..

00:07:16 **Motion:** SEN. STORY moved that SB 281 DO PASS AS  
AMENDED.

**Discussion:**

00:07:35 Sen. Christine Kaufmann to Sen. Jim Elliott

00:08:36 **Vote:** Motion that SB 281 DO PASS AS AMENDED carried  
10-1 by voice vote. SEN. KAUFMANN voted no. SEN.  
SCHMIDT voted yes by proxy.

**EXECUTIVE ACTION ON SB 231**

**Discussion:**

00:09:00 Sen. Elliott

00:11:12 Mr. Heiman, LSD

00:11:39 Sen. Jim Peterson

00:12:26 Sen. Story

00:12:57 Sen. Elliott to Sen. Peterson

00:13:43 Sen. Jeff Essmann

00:15:04 Sen. Elliott

00:15:18 Sen. Story

00:15:26 Sen. Elliott

00:15:40 **No Action taken**

**EXECUTIVE ACTION ON SB 233**

00:16:32 **Motion:** SEN. ELLIOTT moved that SB 233 DO PASS.

**Discussion:**

00:16:47 Sen. Story

00:18:05 **Motion:** SEN. GEBHARDT moved #SB023301.ALH DO PASS.

**EXHIBIT**(tas20a02)

00:18:38 Sen. Elliott

00:19:15 Mr. Heiman, LSD

00:19:42 Sen. Kim Gillan

00:20:18 Sen. Gebhardt

00:20:45 Sen. Kaufmann

00:21:29 Sen. Story

00:21:43 **Vote:** Motion that a CONCEPTUAL AMENDMENT DO PASS carried unanimously by voice vote. SEN. SCHMIDT voted aye by proxy.

00:22:01 **Motion:** SEN. STORY moved that SB 233 DO PASS AS AMENDED.

**Discussion:**

00:22:31 Sen. Story

00:23:18 Sen. Elliott

00:23:35 Sen. Gebhardt

00:24:19 **Vote:** Motion that SB 233 DO PASS AS AMENDED carried unanimously by voice vote. SEN. SCHMIDT voted aye by proxy.

**EXECUTIVE ACTION ON SB 259**

00:25:04 **Motion:** SEN. STORY moved that SB 259 DO PASS.

**Discussion:**

00:25:37 Sen. Gebhardt

00:25:59 Sen. Story

00:27:03 **Substitute Motion:** SEN. GEBHARDT made a substitute motion that SB 259 BE TABLED. Motion carried 9-2 with SEN. GILLAN voting no and SEN. SCHMIDT voting no by proxy.

**EXECUTIVE ACTION ON SB 215**

00:27:53 **Motion:** SEN. HARRINGTON moved that SB 215 DO PASS.

**Discussion:**

00:28:06 Sen. Harrington

00:28:42 **Vote:** Motion that SB 215 DO PASS carried 8-3 by voice vote with SEN. ESSMANN, SEN. GEBHARDT, and SEN. PETERSON voting no. SEN. SCHMIDT voted yes by proxy.

**EXECUTIVE ACTION ON SB 217**

00:30:35 **Motion:** SEN. ELLIOTT moved that SB 217 DO PASS.

**Discussion:**

00:30:49 Sen. Elliott

00:31:41 Sen. Gebhardt

00:32:20 Sen. Elliott

00:32:49 Sen. Gebhardt

00:33:43 Sen. Elliott

00:34:47 Sen. Gebhardt

00:35:13 Sen. Sam Kitzenberg

00:38:02 Sen. Gebhardt

00:38:38 Sen. Kitzenberg

00:41:08 Sen. Gebhardt

00:42:13 Sen. Story

00:43:41 Sen. Elliott

00:45:47 **Vote:** Motion that SB 217 DO PASS failed 5-6 by roll call vote with SEN. ELLIOTT, SEN. HARRINGTON, SEN. KAUFMANN, and SEN. KITZENBERG voting aye. SEN. SCHMIDT voted aye by proxy.

00:46:42 **Motion/Vote:** SEN. STORY moved that SB 217 BE TABLED AND THE VOTE REVERSED. Motion carried 6-5 with SEN. HARRINGTON, SEN. KAUFMANN, SEN. KITZENBERG, and SEN. ELLIOTT voting no. SEN. SCHMIDT voted no by proxy.

**EXECUTIVE ACTION ON SB 275**

00:47:17 **Motion:** SEN. KITZENBERG moved that SB 275 DO PASS.

00:48:16 **Motion:** SEN. KITZENBERG moved that #SB027503.ALH DO PASS.

**EXHIBIT**(tas20a03)

**Discussion:**

00:48:27 Alec Hansen, Executive Director of League of Cities and Towns

00:49:41 Sen. Gebhardt

00:50:17 **Vote:** Motion that #SB027503.ALH DO PASS carried unanimously by voice vote. SEN. SCHMIDT voted aye by proxy.

00:51:06 **Motion:** SEN. ELLIOTT moved that #SB027502.ALH DO PASS. Motion carried unanimously on a unanimous voice vote. SEN. SCHMIDT voted aye by proxy.

**EXHIBIT**(tas20a04)

**Discussion:**

00:51:38 Sen. Gebhardt

00:52:35 **Motion:** SEN. KITZENBERG moved that SB 275 DO PASS AS AMENDED.

**Discussion:**

00:52:46 Sen. Kitzenberg

00:54:14 Sen. Gebhardt to Sen. Kitzenberg rereferred to Mr. Heiman, LSD

00:56:06 Sen. Kitzenberg to Mr. Hansen, League of Cities and Towns

00:57:06 Sen. Elliott

00:57:35 Sen. Gillan to Sen. Kitzenberg

00:58:24 Sen. Essmann

00:59:10 **Motion:** SEN. ESSMANN moved that a CONCEPTUAL AMENDMENT to insert "mail ballot" DO PASS.

00:59:55 Sen. Elliott

01:00:11 Sen. Essmann

01:00:45 Sen. Elliott

01:01:29 Sen. Gebhardt to Sen. Kitzenberg rereferred to Mr. Hansen, League of Cities and Towns

01:02:54 **Vote:** Motion that a CONCEPTUAL AMENDMENT DO PASS carried 6-5 by voice vote with SEN. ELLIOTT, SEN. GILLAN, SEN. PETERSON, and SEN. STORY voting no. SEN. SCHMIDT voted no by proxy.

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**Discussion:**

01:03:59 Sen. Black to Sen. Kitzenberg

01:04:59 Sen. Gebhardt

01:05:27 Sen. Kitzenberg

01:07:21 **Vote:** Motion that SB 275 DO PASS AS AMENDED carried 6-5 by roll call vote with SEN. BLACK, SEN. STORY and

**SEN. ELLIOTT voting no. SEN. SCHMIDT and SEN. PETERSON,  
voted no by proxy.**

**Discussion:**

01:08:00 Sen. Elliott  
01:08:27 Sen. Gillan  
01:09:14 Sen. Heiman, LSD  
01:09:48 Sen. Elliott to Sen. Kaufmann

**EXECUTIVE ACTION ON SB 61**

01:10:21 **Motion:** SEN. KAUFMANN moved that SB 61 DO PASS.

**Discussion:**

01:11:49 Sen. Elliott

**EXHIBIT (tas20a05)**

01:10:47 Sen. Kaufmann  
01:12:21 Sen. Story  
01:13:28 Sen. Gebhardt  
01:15:14 Sen. Elliott to Jami Davis, Montana Department of  
Revenue (DOR)  
01:16:50 Sen. Elliott  
01:17:42 Sen. Gebhardt  
01:17:55 Sen. Kaufmann  
01:18:45 Sen. Elliott  
01:19:14 Sen. Kaufmann  
01:20:28 Sen. Elliott  
01:21:04 Sen. Harrington  
01:21:22 Sen. Story  
01:21:57 Sen. Elliott

01:22:05 Sen. Story

01:22:45 **Sen. Kaufmann withdrew motion. No action taken.**

**Discussion:**

01:23:23 Sen. Elliott

01:25:38 Sen. Gebhardt

01:27:08 Sen. Elliott to Sen. Gebhardt

01:27:26 Sen. Story

01:31:31 Sen. Essmann

01:33:18 Sen. Elliott

01:33:53 Subcommittee appointed on SB 210. Sen. Essmann, Sen. Gebhardt, and Sen. Kaufmann with Sen. Gebhardt, Chair.  
**No action taken.**



**ADJOURNMENT**

Adjournment: 11:00 A.M.

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SEN. JIM ELLIOTT, Chairman

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LOIS O'CONNOR, Secretary

JE/lo

Additional Exhibits:

**EXHIBIT ([tas20aad.pdf](#))**